

Congress of the United States
Washington, DC 20515

September 21, 2022

The Honorable Amanda Lefton
Director
Bureau of Ocean Energy Management
1849 C Street, NW
Washington, DC 20240

Dear Director Lefton:

We write regarding the offshore wind projects off the coast of California and the need to ensure that the highest labor standards are upheld at these projects. While offshore wind is important for meeting the Biden Administration's clean energy goals, these goals cannot be reached without a strong partnership with skilled U.S. workers and the unions that represent them. Therefore, we request answers to the below questions regarding protections to ensure that every major component of these offshore wind turbines will be constructed in America with American labor and what wage protections will be in place for the project workers.

As you know, the Bureau of Ocean Energy Management (BOEM) issued the Proposed Sale Notice (PSN) for commercial leasing for wind power on the California Outer Shelf on May 26, 2022.¹ This PSN would allow the development of five lease areas within the Morro Bay Wind Energy Area and the Humboldt Wind Energy Area off the shore of California for commercial wind energy. According to the PSN, the 4.5 gigawatts of total power derived from these five Wind Energy Areas (WEAs) would be enough to power 1.5 million homes.²

The PSN includes a lease stipulation to "require Lessees to make every reasonable effort to enter into a [Project Labor Agreement] covering the construction stage of any project proposed for the Lease Areas."³ However, basic components like bolts or screws are considered items of commerce and are likely outside the scope of the agreement. We are concerned that major components, like the necessary floating foundations for the wind turbines, may be considered items of commerce and therefore not covered under these agreements. These components require skilled labor to assemble, and every effort should be made to require union labor to construct them.

We are also in favor of strong guarantees in these agreements that would ensure that all workers receive a prevailing wage. We strongly agree with this administration's belief that anyone who

¹ <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/california/2022-11537.pdf>

² <https://www.boem.gov/renewable-energy/state-activities/california>

³ <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/california/2022-11537.pdf> at 32454

works should receive a living wage, and it is essential these projects further empower the American middle-class and do not undercut wages for other projects. Beyond the requirements of the Davis-Bacon Act, there does not appear to be any reference to any prevailing wage requirements in the PSN. Every effort should be made to include provisions designed to protect workers against known issues with determining prevailing wages or to account for special considerations for calculating the prevailing wage given, for example, the projects' location off the mainland.

Therefore, we ask that you answer the following questions no later than September 30th:

1. How will the bureau define "every reasonable effort" in the project labor agreements?
2. What components do you anticipate being considered an item of commerce for the projects? What criteria will you use in determining whether an item is a construction item or an item of commerce?
3. Do you anticipate any additional protections in the lease agreements to ensure workers are paid a prevailing wage?
4. In what manner will prevailing wages be calculated for these projects? What geographic area do you anticipate being used for the study area? Will private industry participate in the determination of prevailing wages for employees, including any subsets of employees?
5. How do you plan to ensure that workers are properly classified for prevailing wage purposes? Will the bureau institute any additional recordkeeping requirements to ensure employers are paying workers for all hours worked?

We fully appreciate the bureau's forward-thinking PSN, and we applaud the administration's willingness to include important provisions in the PSN designed to bolster our domestic supply chain for offshore wind projects, engage with underserved communities, and enter into Community Benefit Agreements. However, that notice must fully engage with and protect our American workers. Thank you in advance for your response to our inquiry, and please let us know if you have any questions or concerns on these issues.

Sincerely,



Raul Ruiz, M.D.
Member of Congress



Adam B. Schiff
Member of Congress

Tony Cárdenas

Tony Cárdenas
Member of Congress

Grace F. Napolitano

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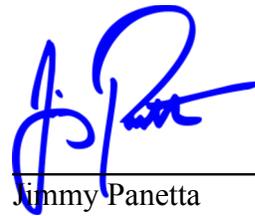
Mike Levin
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Jerry McNerney
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Ro Khanna
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Katie Porter
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Judy Chu
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Maxine Waters
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Jim Costa
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